

DECLARATION, POWER OF ATTORNEY, AND PETITION

As a bel w named invent r, I hereby declar that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FOOT TREATMENT METHOD AND COMPOSITION the specification of which:

(check one) XX is attached hereto. _____ was filed on _____ as
Application Serial No. _____ and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §§ 119; 365 if any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which the priority is claimed:

Prior Foreign Application(s)

<u>N/A</u> (Number)	<u>(Country)</u>	Day/month/year filed	<u>Priority Claimed</u>
<u>N/A</u> (Number)	<u>(Country)</u>	Day/month/year filed	<u>Yes</u> <u>No</u>
<u>N/A</u> (Number)	<u>(Country)</u>	Day/month/year filed	<u>Yes</u> <u>No</u>

I hereby certify that this correspondence is being deposited with the United States Postal Service as:

EXPRESS MAIL NO. EB 507 289 594 US

in an envelope addressed to: Attn. Applications

IN AN ENVELOPE ADDRESSED TO: ATTEN: Applications

Alexandria, VA 22313-1450 on November

Alexandria, VA 22313-1450 on. November 19, 2003

W. H. D. 1888

TOD R. NISSE, Reg. No. 29,241

DATE

11/19/03

1 I hereby claim the benefit under Title 35, United States Code §120 of any United States
2 application(s) listed below and, insofar as the subject matter of each of the claims of this application
3 is not disclosed in the prior United States application in the manner provided by the first paragraph
4 of Title 35, United States Code §112, I acknowledge the duty to disclose material information as
5 defined in Title 37, Code of Federal Regulations §156(a) which occurred between the filing date of the
prior application and the national or PCT international filing of this application:

6 N/A

7 (Application Serial No)	8 (Filing Date)	9 (Status) (patented, pending, abandoned)
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10 N/A

11 (Application Serial No)	12 (Filing Date)	13 (Status) (patented, pending, abandoned)
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14 I hereby claim the benefit under Title 35, United States Code §119 (e) of any United States
15 provisional applications listed below, and insofar insofar as the subject matter of each of the claims
16 of this application is not disclosed in the prior United States provisional application in the manner
17 provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to
18 disclose material information as defined in Title 37, Code of Federal Regulations §156(a) which
19 occurred between the filing date of the prior application and the national or PCT international filing
of this application:

20 N/A

21 (Provisional Application Serial No)	22 (Filing Date)	23 (Status - pending)
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24 N/A

25 (Provisional Application Serial No)	26 (Filing Date)	27 (Status - pending)
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28 I hereby declare that all statements made herein of my own knowledge are true and that all
statements made on information and belief are believed to be true; and further that these statements
were made with the knowledge that willful false statements and the like so made are punishable by
fine or imprisonment, or both, under § 1001 of the United States Code and that such willful false
statements may jeopardize the validity of the application or any patent issued thereon.

1 And I hereby app int:

2 T d R. Nissl , Esq. Reg. No. 29,241

3 TOD R. NISSLE, P.C.

4 P.O. Box 55630

5 Phoenix, Arizona 85078

6 Tel: (602) 494-8700

7 Fax: (602) 494-8707

8 Email: nissle@nissle.com

9 my attorney and with full power of substitution and revocation, to prosecute this application and to
10 transact all business in the United States Patent and Trademark Office connected therewith.

11 Wherefor I pray that Letters Patent be granted to me for the invention or discovery described
12 and claimed in the foregoing specification and claims, and I hereby subscribe my name to the
13 foregoing specification and claims, declaration, power of attorney, and this petition.

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1 Full name of first inventor: DONALD L. SMOTHERS

2 Inventor's signature: _____ Date: _____

3 Residence: 350 Apache Trail, Terrell, Texas 75160

4 Citizenship: UNITED STATES OF AMERICA

5 Post Office Address: Same

6 Full name of second inventor: N/A

7 Inventor's signature: _____ Date: _____

8 Residence: _____

9 Citizenship: _____

10 Post Office Address: _____

11 (Supply similar information and signature for third and subsequent joint inventors)

12 Attorneys Docket No.: 875-P-1

13 Tod R. Nissle, Esq.

14 Reg. No. 29,241

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : DONALD L. SMOTHERS

Serial No. :

Filed : Concurrently herewith

For : FOOT TREATMENT METHOD AND COMPOSITION

**DECLARATION VERIFYING SMALL ENTITY STATUS
UNDER 27 C.F.R. 19(f) AND 1.27(b)**

**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

As a named inventor, I hereby state that I qualify as an independent inventor as defined in 37 C.F.R. 1.9 (c) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-identified patent.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who would not be classified as an independent inventor under 27 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9 (e). Any person, concern or organization which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is identified below:

I hereby certify that this correspondence is being deposited with the United States Postal Service as:

EXPRESS MAIL LABEL NO. ER 507 289 594 US

in an envelope addressed to: Box Applications,

COMMISSIONER FOR PATENTS, P.O. Box 1450,

Alexandria, VA 22313-1450 on: November 19, 2003

TOD R. NISSLE, Reg. No. 29,241

11/19/03

DATE

1 Full Name: N/A

2 Address:

3

4 Individual Small Business Non profit Organization

5

6

7 Full Name: N/A

8 Address:

9

10 Individual Small Business Non profit Organization

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12 I acknowledge the duty to file, in this patent, notification of any change in status
13 resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the
14 earliest of the issue fee or any maintenance fee due after the date on which status as a small entity
15 is no longer appropriate. [37 C.F.R. 1.28(b)]

16

17 I hereby declare that all statements herein of my own age are true and that all
18 statements made on information and belief are believed to be true; and further that these statements
19 were made with the knowledge that willful false statements or the like so made are punishable by fine
20 or imprisonment, or both, under §1001 to Title 18 of the United States Code, and that such willful false
21 statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to
22 which this verified statement is directed.

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1 Name of Inventor: DONALD L. SMOTHERS
2 Addr ss: 1350 Apache Trail
3
4 Signature:
5 Date:
6
7
8 Name of Inventor: N/A
9 Address:
10
11 Signature:
12 Date:
13
14
15 Attorney's Docket No.: 875-P-1
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